

REMARKS

Applicants thank Examiners Choi and Colon for their courtesies extended during the May 23, 2002 Examiner Interview. Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-28 are pending. Claims 2-4 and 7-9 are withdrawn from consideration. Claims 1, 5, 6, and 10-28 are rejected. Claims 1, 5, 26, and 27 are amended to further clarify the claimed invention. No new matter has been added.

Reply to Restriction Requirement

The Examiner has issued a Restriction Requirement directed to Claims 1-28, as follows:

Group I. Claims 1, 5, 6, and 10-28, drawn to a substitute fulfillment system, classified in class 705, subclass 9.

Group II. Claims 2 and 7, drawn to an absence and entitlement system, classified in class 705, subclass 11.

Group III. Claims 3, 4, 8, and 9, drawn to a notification system, classified in class 705, subclass 7.

The Examiner further asserts that:

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a human resource application that maintains employees' vacation and sick leave.

Invention II as applied in the previous example, does not require a substitute fulfillment system as recited in invention I to be a useful and effective application for maintaining absence and entitlement. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as in a business where management periodically informs employees of changes in policies, procedures and other company events.

Invention III as applied in the previous example, does not require a substitute fulfillment system as recited in invention I to be a useful and effective notification system. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as in a business where management periodically notifies employees of changes in policies, procedures and other company events.

Invention III as applied in the previous example, does not require an absence and entitlement system as recited in invention II to be a useful and effective notification system. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Thomas Corrado on March 4, 2002, a provisional election was made with traverse to prosecute Invention I, claims 1, 5, 6 and 10—28. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 2—4 and 7—9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant hereby elects Group I for prosecution on the merits.

Objection to the Abstract

The Examiner asserts that:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50-150 words. It is important that the abstract not exceed 150 words in length and since the space provided for the abstract of the computer tape used by the printed is limited.

The abstract was found to be longer than 150 words.

The abstract should be revised to limit its discussion to the elected invention.

Correction is required.

The abstract has been revised and is now between 50 - 150 words as directed by the Examiner.

Objection to Claims 1, 26 and 27

Claims 1, 26 and 27 are objected to. Specifically, the Examiner states that:

Claim 1 contains the words “schools, school districts” twice. The second set should be removed.

Claims 26 and 27 contain the phrase, “... one of the substitute worker ...”
The phrase should read “... one of the substitute workers ...”

The applicants thank the Examiner for the suggestions and claims 1, 26 and 27 are amended accordingly. Please note that these claim amendments are to correct typographical errors and therefore the claim amendments should not be subject to *Festo*. As a result of the claim amendments, applicants request that the Examiner remove the objection to claims 1, 26 and 27.

Rejection of claims 1, 5 and 10 under 35 U.S.C. §102(e)

Claims 1, 5 and 10 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,049,776 to Donnelley *et al.* (Donnelly). The Examiner asserts that:

As per claim 1, Donnelly *et al.* disclose a computer-implemented substitute fulfillment system that identifies and secures substitute workers for a plurality of different organizations, comprising:

a central server that processes information associated with a plurality of different organizations (col. 8, lines 15 - 23; reference number 11 in Figures 1 and 2);

a central database coupled to the central server, the central database including records that store substitute fulfillment data associated with each of the plurality of different organizations, wherein for each of the different organizations the fulfillment data includes worker records representing workers that may be absent from the organization and substitute worker records representing substitute workers that may be used to fill a position of an absent worker (col. 8, lines 15 - 23; col. 9, line 31 - col. 10, line 39; col. 11, lines 30 - 35; col. 11, line 62 - col. 12, line 3; col. 12, lines 26 - 62; reference number 11 in Figures 1 and 2);

a plurality of local processors that are remote from the central server, each of the local processors being associated with one of the different organizations and having a separate local database coupled thereto, wherein each local database is associated with one of the different organizations and includes worker records representing workers that may be absent from the organization and substitute worker records representing substitute workers that may be used to fill a position of an absent worker (col. 9, line 31 - col. 10, line 39; reference number 22 in Figure 2b);

wherein said organizations comprise one or more of schools, school districts, retail banks, branch offices of banks, convenience stores, manufacturing facilities, fire departments, police departments, hospitals, transportation departments, airlines and temporary worker agencies (col. 1, lines 42 - 43; The reference mentions substitute fulfillment issues that apply to organizations that are "diverse in scope." Since the reference addresses those substitute fulfillment issues, it also applies to organizations that are diverse in scope.);

wherein the central database maintains each of the records on each local database in parallel with a corresponding record on the central database by periodically updating the records on the local databases in response to data changes on the central database, and wherein each local database maintains records on the central database in parallel with corresponding records on the local database by periodically updating the records on the central databases in response to data changes on the local database (col. 8, lines 15 - 23; col. 9, line 31 - col. 10, line 39; col. 11, lines 30 - 35; col. 11, line 57 - col. 12, line 10; col. 12, lines 26 - 62; reference number 11 in Figures 1 and 2);

at least one telephone communication link coupled to the central server, wherein the telephone communication link provides information representing absent workers to the central server, the central server identifies one or more of the substitute workers in response to the information representing absent workers,

and the central server communicates information representing positions to be filled to substitute workers via the telephone communication link or an internet communication link (col. 8, lines 38 - 46; col. 12, line 26 - col. 13, line 4; col. 13, lines 51 - 65; col. 26, lines 44 - 54; col. 29, lines 46 - 52; reference number 41 in Figure 1; Figures 2 - 5); and

wherein the central server periodically transmits reports that include absentee and substitute information to each of the different organizations via the telephone communication link or the Internet communication link (col. 3, lines 30 - 33; Figure 14; Figure 37; Figure 39; Figure 53; Figure 61; Figure 66; The reference enables users to view reports regarding absentee and substitute information by using the central server interface.).

As per claim 5, Donnelly et al. disclose a computer-implemented substitute fulfillment system that identifies and places floating workers for a plurality of different organizations, comprising:

a central server that processes information associated with a plurality of different organizations (col. 8, lines 15 - 23; reference number 11 in Figures 1 and 2);

a central database coupled to the central server, the central database including records that store substitute fulfillment data associated with each of the plurality of different organizations, wherein for each of the different organizations the fulfillment data includes worker records representing workers that may be absent from the organization and floating worker records representing floating workers that may be used to fill a position of an absent worker (col. 8, lines 15 - 23; col. 9, line 31 - col. 10, line 39; col. 11, lines 30 - 35; col. 11, line 62 - col. 12, line 3; col. 12, lines 26 - 62; reference number 11 in Figures 1 and 2);

a plurality of local processors that are remote from the central server, each of the local processors being associated with one of the different organizations and having a separate local database coupled thereto, wherein each local database is associated with one of the different organizations and includes worker records representing workers that may be absent from the organization and floating worker records representing floating workers that may be used to fill a position of an absent worker (col. 9, line 31 - col. 10, line 39; reference number 22 in Figure 2b);

wherein the central database maintains each of the records on each local database in parallel with a corresponding record on the central database by periodically updating the records on the local databases in response to data changes on the central database, and wherein each local database maintains records on the central database in parallel with corresponding records on the local database by periodically updating the records on the central databases in response to data changes on the local database (col. 8, lines 15 - 23; col. 9, line 31 - col. 10, line 39; col. 11, lines 30 - 35; col. 11, line 57 - col. 12, line 10; col. 12, lines 26 - 62; reference number 11 in Figures 1 and 2);

at least one telephone communication link coupled to the central server, wherein the telephone communication link provides information representing absent workers to the central server, the central server identifies one or more of the floating workers in response to the information representing absent workers,

and the central server communicates information representing positions to be filled to floating workers via the telephone communication link or an internet communication link (col. 8, lines 38 - 46; col. 12, line 26 - col. 13, line 4; col. 13, lines 51 - 65; col. 26, lines 44 - 54; col. 29, lines 46 - 52; reference number 41 in Figure 1; Figures 2 - 5); and

wherein the central server periodically transmits reports that include absentee and floater information to each of the different organizations via the telephone communication link or the Internet communication link (col. 3, lines 30 - 33; Figure 14; Figure 37; Figure 39; Figure 53; Figure 61; Figure 66; The reference enables users to view reports regarding absentee and substitute information by using the central server interface.).

As per claim 10, Donnelly et al. disclose a method of performing substitute fulfillment by finding floating workers for absentee workers in an organization, comprising the steps of:

providing an automated substitute fulfillment system remote from said organization (col. 8, lines 15 - 23; col. 9, line 31 - col. 10, line 39; col. 11, lines 30 - 35; col. 11, line 62 - col. 12, line 3; col. 12, lines 26 - 62; Figures 1 and 2);

initializing said substitute fulfillment system by creating a main database of stored floating workers fulfillment data records (col. 11, line 62 - col. 12, line 10; col. 12, lines 26 - 62; Figure 2);

notifying said floating worker fulfillment system of a worker absence (col. 13, lines 18 - 50; col. 14, lines 56 - 67);

automatically identifying floating workers who should be notified by said system (col. 9, lines 47 - 61; col. 13, lines 31 - 34; col. 14, lines 56 - 67; Figure 14);

automatically contacting a floating worker and relaying absent worker's position and location (col. 12, line 65 - col. 13, line 7; col. 13, lines 31 - 34 and 50 - 65; Figure 5);

notifying personnel in said organization of the results (col. 13, lines 14 - 17 and 31 - 34; col. 22, lines 22 - 35; Figure 30).

Donnelly discloses a human resource management system for staffing projects. Specifically, Donnelly is a Resource Management System (RMS) for identifying candidate human resources to be assigned to a project where the project requires predetermined skills and predetermined time availability. The RMS system searches workers' skills and calendars to determine candidate availability to work on a project.

Thus, comparing Donnelly with the substitute fulfillment system and method as claimed in claims 1, 5 and 10 of the present application, the two systems are directed towards two different systems: Donnelly is directed towards a system for staffing a project based on a worker's availability (see col. 14, lines 58-59) and claims 1, 5 and 10 are directed towards a system that identifies and secures substitute workers for a plurality of different organizations.

Donnelly does not disclose replacing workers who are not present (e.g., absent). Therefore, Donnelly is performing a different function compared to the function being performed by the systems and method of claims 1, 5 and 10, Donnelly does not operate in the same manner. As a result, Donnelly does not disclose each and every element in claims 1, 5 and 10 as required under 35 U.S.C. §102(b).

Moreover, applicants traverse the Examiner's assertion that Donnelly discloses "substitute worker records representing substitute workers that may be used to fill a position of an absent worker" since Donnelly is not performing such a task. Donnelly assigns workers for a given project based on availability, not substituting a temporary worker for an absent worker. Thus, Donnelly does not disclose each and every element in claims 1, 5 and 10 as required under 35 U.S.C. §102(b).

Donnelly does not disclose "A computer-implemented substitute fulfillment system ... wherein said organizations comprise one or more schools, school districts, retail banks, branch offices of banks, convenience stores, manufacturing facilities, fire departments, police departments, hospitals, transportation departments, airlines and temporary worker agencies" as recited in claim 1 of the present application. The Examiner cites col. 1, line 42-43 of Donnelly as disclosing the listed organizations, however the cited section recites "...numerous corporate organizations that are large and diverse in scope" which does not disclose each and every organization recited in claim 1 as required under 35 U.S.C. §102.

Moreover, Donnelly does not disclose "A computer-implemented substitute fulfillment system ... at least one telephone communication link coupled to the central server, wherein the telephone communication link provides information representing absent workers to the central server, the central server identifies one or more of the substitute workers in response to the information representing absent workers, and the central server communicates information representing positions to be filled to substitute workers via the telephone communication link or an internet communication link" as recited in claims 1 and 5 of the present application (emphasis added). Specifically, Donnelly does not disclose the telephone communication link providing information representing absent workers. The substitute fulfillment system allows absent workers to contact the central server via telephone using the keypad (see page 22, line 6 - page 23, line 28). The sections cited by the Examiner do not disclose using a telephone

communication link to provide this information. Therefore, Donnelly does not disclose each and every element of claims 1 and 5 as required by 35 U.S.C. §102(b).

Moreover, Donnelly does not disclose “A computer-implemented substitute fulfillment system ... wherein the central server periodically transmits reports that include absentee and substitute information to each of the different organizations via the telephone communication link or the internet communication link” as recited in claims 1 and 5 of the present application (emphasis added). The central server distributes absentee notifications to relevant client personnel on a regular basis (see page 24, lines 5-26) to inform the organization of who is absent and who is filling the absent workers position. The section cited by the Examiner does not disclose the server providing absentee and substitute information but rather discloses a user entry interface for the RMS system. Therefore, Donnelly does not disclose each and every element of claims 1 and 5 as required under 35 U.S.C. §102(b).

Regarding claim 10 of the present application, Donnelly does not disclose “A method of performing substitute fulfillment ... providing an automated substitute fulfillment system remote from said organization.” Again, Donnelly is not “an automated substitute fulfillment system” but is a human resource management system for staffing projects. Thus the sections cited by the Examiner do not disclose providing an automated substitute fulfillment system. Therefore, Donnelly does not disclose each and every element of claim 10 as required under 35 U.S.C. §102(b).

Moreover, Donnelly does not disclose “A method of performing substitute fulfillment ... notifying said floating worker fulfillment system of a worker absence” as recited in claim 10 of the present application. There is no notification of a worker absence in Donnelly nor is a floating worker fulfillment system notified of such an absence. Therefore, Donnelly does not disclose each and every element of claim 10 as required under 35 U.S.C. §102(b).

Furthermore, Donnelly does not disclose “A method of performing substitute fulfillment ... automatically contacting a floating worker and relaying absent worker’s position and location” as recited in claim 10 of the present application. Since Donnelly is not filling absent positions, Donnelly does not relay absent worker’s positions and locations to a floating worker. Therefore, Donnelly does not disclose each and every element of claim 10 as required under 35 U.S.C. §102(b).

Thus, for at least these reasons, independent claims 1, 5 and 10 are patentable over Donnelly. As a result, the applicants request that the rejection of claims 1, 5 and 10 under 35 U.S.C. §102(b) be withdrawn.

Rejection of claims 26 and 27 under 35 U.S.C. §103(a)

Claims 26 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over LaPlante, "Two school departments struggle to fill vacancies There's no substitute for a substitute," Providence Journal -Bulletin. The Examiner asserts that:

As per claim 26, LaPlante discloses a method for performing substitute fulfillment for a plurality of different organizations comprising:

receiving absentee information representing an absent worker via at least one communication link (page 1, abstract; LaPlante discloses a school organization receiving information about absent teachers.);

generating in response to receiving the absentee information a list of one or more potential substitute workers who can fill in for the absent worker using worker records having information associated with the absent worker and substitute records having information associated with at least one substitute worker (page 1, abstract; LaPlante discloses school communities that maintain lists of substitute teachers. In the same paragraph, LaPlante further discloses the school department maintaining information about the substitute teachers such as pay and the length of time of performing substitute work.); and

contacting potential substitute workers listed on the generated list until one of the substitute workers agrees to fill in for the absent worker or until the generated list is exhausted (page 1, abstract; LaPlante discloses calling the substitute teachers who are on a list.).

LaPlante does not expressly disclose contacting the substitute teachers until the list is exhausted, however, LaPlante does disclose the school organization having great opposition to leaving classrooms teacher-less (page 2, paragraph 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to contact substitute workers on a list until the list is exhausted because many organizations have policies prohibiting vacant positions and by contacting substitute workers until a list is exhausted ensures that the organization has taken all measures to prevent such an occurrence (LaPlante, page 2, paragraphs 1-3).

As per claim 27, a method for performing substitute fulfillment for a plurality of different organizations comprising:

receiving absentee list of one or more absent workers from an organization via at least one communication link (page 1, abstract; LaPlante discloses a school organization receiving information about absent teachers.);

generating in response to receiving the absentee list a list of one or more potential substitute workers who can fill in for each absent worker on the absentee list using worker records having information associated with the absent worker and substitute records having information associated with at least one substitute worker (page 1, abstract; LaPlante discloses school communities that maintain lists of substitute teachers. In the same paragraph, LaPlante further discloses the school department maintaining information about the substitute teachers such as pay and the length of time of performing substitute work.); and

contacting potential substitute workers listed on each of the generated lists until one of the substitute workers in each of the generated lists agrees to fill in for the absent worker or until the generated list is exhausted (page 1, abstract; LaPlante discloses calling the substitute teachers who are on a list.).

LaPlante does not expressly disclose contacting the substitute teachers until the list is exhausted, however, LaPlante does disclose the school organization having great opposition to leaving classrooms teacher-less (page 2, paragraph 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to contact substitute workers on a list until the list is exhausted because many organizations have policies prohibiting vacant positions and by contacting substitute workers until a list is exhausted ensures that the organization has taken all measures to prevent such an occurrence (LaPlante, page 2, paragraphs 1-3).

LaPlante discloses the very problem that the substitute fulfillment system and method of the present application assist in solving: finding substitute teachers. LaPlante specifically addresses finding substitute teachers in Pawtucket, RI. LaPlante discloses calling substitutes whose names are on lists in other communities.

In contrast to LaPlante with claims 26 and 27 of the present application, LaPlante describes the conventional methodology of performing substitute fulfillment, and claims 26 and 27 recite, inter alia, an automated method of performing substitute fulfillment. Thus, LaPlante does not teach or suggest “generating in response to receiving the absentee information a list of one or more potential substitute workers who can fill in for the absent worker using worker records ... and substitute records” as recited in claim 26 and similarly recited in claim 27. LaPlante uses a list or lists having substitute teacher names already on the list and is not generating a list in response to receiving absentee information.

Moreover, LaPlante is not using worker records or substitute records to generate a list of potential substitute workers. The Examiner cites LaPlante as disclosing the school department’s maintaining information about the substitute teachers but LaPlante does not teach or suggest

using “worker records” and “substitute records” to generate a list of potential substitute workers. Again, these lists are already made, thus the lists are not generated using worker records and substitute records.

Moreover, regarding claim 27, LaPlante does not teach or suggest “interacting with the potential substitute worker using an interactive voice response system until one of the substitute workers agrees to fill in for the absent worker or until the generated list is exhausted” as recited in claim 26. LaPlante does not use an interactive voice response system.

Moreover, regarding claim 27, LaPlante also does not teach or suggest “receiving an absentee list from an organization via at least one communication link, said list comprising one or more absent workers” as recited in claim 27 of the present application. LaPlante does not receive an absentee list from an organization but rather assigns workers to a project.

Therefore, for at least these reasons, claims 26 and 27 are patentable over LaPlante. As a result, the applicants request that the rejection of claims 26 and 27 under 35 U.S.C. §103(a) be withdrawn.

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over www.Usadecco.com and further in view of Hippel et al., “Temporary employment: Can organizations and employees both win?” The Examiner asserts that:

As per claim 28, www.Usadecco.com discloses a method for performing substitute fulfillment for a plurality of different organizations comprising:

generating a list of positions of absent workers that need to be filled by substitute workers on a website (pages 4—6);

receiving a response by a substitute worker selecting a posted position on the website via an Internet communication link (pages 7 and 8; Substitute workers can respond to job postings by selecting a job position and then choosing one of the contact options such as email or fax.); and

securing via the Internet communication link the substitute worker who selected the posted position to fill in for the absent worker (pages 7 and 8; Substitute workers can send and receive information concerning a job posting by email or fax.).

www.Usadecco.com does not expressly disclose receiving absentee information representing an absent worker via at least one communication link.

Hippel et al. disclose receiving absentee information representing an absent worker via at least one communication link (page 93, paragraph 2, Hippel et al. disclose substitute workers viewed as replacements for absent workers.).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive absentee information representing an absent worker via at least one communication link because doing so provides a

convenient and efficient means for workers to indicate to their place of employment future or current absences.

The website, www.Usadecco.com, is not a valid piece of prior art since the applicants cannot determine the publication date of this reference. The Examiner has not provided any information relating to a publication date that would enable the website to be considered prior art. The printed screen shots provided by the Examiner do not include a copyright or any other indication of the publication date outside of the printout date of 3/10/02. Thus, applicants believe that the website is not prior art and thus the Examiner's assertions of what this reference teaches or suggests are irrelevant.

Therefore, for at least these reasons, claim 28 is patentable over the cited art. As a result, the applicants request that the rejection of claim 28 under 35 U.S.C. §103(a) be withdrawn.

Double Patenting Rejection

Claims 11, 12, 18-20, 22, 23, and 25 stand rejected under the judicially created doctrine of double patenting over claims 1-4 and 6 of US Patent No. 6,334,133 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. The Examiner asserts that:

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

- Claim 11 of the current application is a broader recitation of claim I of U. S. Patent No. 6,334,133;
- Claim 12 of the current application is a broader recitation of claim I of U. S. Patent No. 6,334,133;
- Claim 18 of the current application is a broader recitation of claim 2 of U. S. Patent No. 6,334,133;
- Claim 19 of the current application is a broader recitation of claim 3 of U. S. Patent No. 6,334,133;
- Claim 20 of the current application is a broader recitation of claim 4 of U. S. Patent No. 6,334,133;
- Claim 22 of the current application is a broader recitation of claim 6 of U. S. Patent No. 6,334,133;
- Claim 23 of the current application is a broader recitation of claim 6 of U. S. Patent No. 6,334,133;
- Claim 25 of the current application is a broader recitation of claim I of U. S. Patent No. 6,334,133.

An unsigned terminal disclaimer is enclosed. A signed copy of the terminal disclaimer will be submitted upon the allowance of claims 11, 12, 18-20, 22, 23, and 25.

Claims 6, 13-17, 21 and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of US Patent No. 6,334,133. The Examiner further states that although the conflicting claims are not identical, they are not patentably distinct from each other because claims 3, 13-17, 21 and 24 each contain obvious modifications to claim 1 of U.S. Patent No. 6,334,133. The Examiner further asserts that:

As per claim 6, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to notify personnel of an organization as to whether or not a substitute worker has agreed to cover an absence because the organization has accounting, billing and other human resource accommodations to prepare for the substitute worker.

As per claim 13, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the list of substitute workers include a preferred list of substitute workers because doing so would ensure that only individuals with appropriate and required credentials would be allowed to fill absent worker positions.

As per claim 14, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to transmit the generated list of absent workers to the organization via at least one communication link because doing so provides a vital means of making appropriate personnel aware of those workers who are absent and thus enabling personnel to take any necessary action as a result.

As per claim 15, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to generate a list of substitute workers and names of the absent workers who the substitute workers will be filling in for a given organization and to transmit the generated list of substitute workers and names of the absent workers to the given organization via at least one communication link because doing so provides a vital means of notifying appropriate personnel of those workers who are absent and the substitute workers who will be filling in for the absent workers and thus enabling personnel to take any necessary action as a result.

As per claim 16, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have an interactive voice response system interact with a potential substitute worker whereby the substitute worker is secured for filling in for the absent worker because doing so provides an automated, convenient and efficient means that does not require a human resource on the substitute fulfillment end for securing a substitute worker.

As per claim 17, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive and forward a message to the substitute worker who agrees to fill in for the absent worker because doing so

enables communication to the substitute worker of any pertinent information relevant to the position.

As per claim 21, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the organizations be unaffiliated because doing so would provide a broader reach of industries and therefore more customers for the substitute fulfillment system to serve.

As per claim 24, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the substitute workers be substitute teachers because the teaching industry has for a long time required the use of substitute teachers to fill in for both unexpected as well as expected absences of teachers.

An unsigned terminal disclaimer is enclosed. A signed copy of the terminal disclaimer will be submitted upon the allowance of claims 3, 13-17, 21 and 24.

The foregoing is submitted as a full and complete Response to the Restriction Requirement mailed 10 September 2001, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (202)508-5843 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1458, and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: 6 June 2002

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